

NEVADA DEPARTMENT OF AGRICULTURE
OPERATING A VEHICLE ON STATE BUSINESS
POLICY #AG-1-HR-12

PURPOSE:

This policy sets guidelines and identifies responsibilities to ensure understanding of employee requirements for operating a vehicle while on State business.

POLICY:

It is the policy of the Department of Agriculture to ensure all employees operate vehicles, while on State business, within the requirements of the law and that proper and appropriate action is taken when an employee violates the law or no longer has a valid driver's license when it is required as an essential function of his or her position.

SCOPE:

This policy shall apply to all employees in the Department.

REFERENCES:

Nevada Administrative Code (NAC) 284.646, 284.650 and 284.653; the Department's Prohibitions and Penalties; and State Administrative Manual (SAM) Section 1702.

FORM:

As currently provided by the Department of Agriculture.

RESPONSIBILITY:

1. The Employee shall be responsible for:
 - a. Compliance with the provisions of this policy and state laws and regulations.
2. All Division Administrators and Supervisor shall be responsible for:
 - a. Insuring all employees under their supervision are aware of this policy and understand the purpose and importance of compliance.
 - b. Enforcing the provisions of this policy.
 - c. Initiating the appropriate disciplinary action against any employee under their jurisdiction who violates the requirements of this policy.
3. Division Administrators shall also be responsible for:
 - a. Notifying the Director or his designated representative in the event a serious incident has occurred and/or if immediate disciplinary action is required.

4. Agency Human Resource Services (AHRS) shall be responsible for:
 - a. Providing assistance to supervisors and employees in the interpretation and explanation of this policy.
 - b. Assisting management in determining how to correctly proceed when disciplinary action is required.

PROCEDURES:

Driver's License Requirement:

1. All new employees with the Department of Agriculture shall be required to complete a Driving Record Card. If the employee does not have a driver's license, i.e., suspended, revoked, etc.; or, has never been issued a license, that information must be clearly stated on the form.
2. Every employee hired in a position where driving is an essential function of the job must possess a valid Nevada driver's license as a condition of his or her employment. That employee must be able to present that license at any time throughout his or her employment with the department. Failure to do so may result in disciplinary action.
3. If an employee's duties require the employee to possess an additional license or endorsement, such as a Commercial Driver's License (CDL), Class A or B, or a hazardous endorsement, that employee must possess that license and or endorsement according to the conditions and requirements of his position. Thereafter, the employee shall be subject to show possession of that license at any time during the employee's tenure in a position requiring that license or endorsement. Failure to do so may result in disciplinary action.
 - a. Depending upon the minimum requirements of the employee's position classification, the employee may be allowed an additional stated period of time to obtain the required license or endorsement. Once the required license or endorsement is obtained there shall be no period of time where the license or endorsement is not current.
 - b. Any supervisory personnel assigning an employee the operation of a vehicle for which they are not certified will be subject to disciplinary action.

Drug and Alcohol Testing for State Employee Involved in Accident:

1. NAC 284.888 (3) (a) allows the State of Nevada to administer drug and alcohol screening for any state employee who is involved in a motor vehicle accident that causes more than \$500 in property damage while on State business; or (b) for any

state employee who operates a motor vehicle in such a manner as to cause two property accidents within a 1 year period.

2. If any state employee has a motor vehicle accident while driving an agency vehicle or motor pool vehicle and that employee seeks medical attention for injuries sustained as a result of said accident, the employee must take the Drug and Alcohol Test (DAT) form located in the glove compartment of that vehicle into the first stop/urgent care where the employee seeks medical attention. Refusal of the drug and alcohol testing when seeking medical attention may be grounds for disciplinary action.

Loss/Revocation or Suspension of License:

1. Every Department of Agriculture employee shall update their Driving Record Card if their license status changes.
2. Department employees who have as part of their essential functions of their job the requirement to drive or operate a state vehicle must notify their immediate supervisor as soon as possible, but no later than five (5) working days after gaining knowledge of the revocation, suspension or expiration of their driver's license.
 - a. Failure to report such information and failure to immediately cease driving or operating a state vehicle, or a privately owned vehicle on state business, will result in immediate termination.
 - b. The department is not obligated nor will it provide substitute work, alternate forms of transportation or employees to chauffeur those who are required to operate vehicles and who cannot, due to loss of license.

Granting Employee Leave To Obtain License:

1. An employee who is required to possess a driver's license to perform the essential functions of his position and who cannot fulfill such requirement due to temporary loss of license may be granted up to forty-five (45) calendar days to obtain the required driver's license, unless the employee is otherwise subject to disciplinary action set forth in 284.653, subsection 2.
 - a. Use of accumulated annual and compensatory time will be used to cover leave during this period. If, upon depletion of paid leave, the employee is still unable to obtain the required driver's license, the Director or his designated representative determines it is in the department's best interest to grant such leave and the granting of such leave will not inconvenience the department in any way and is only granted for the employee's first loss of his driver's license, the employee may be granted leave without pay for the remaining time – within the forty-five (45) day period.

- b. If the employee has entered into a certified drug and alcohol rehabilitation program and is otherwise eligible for coverage under the Family and Medical Leave Act (FMLA), then FMLA sick leave may be utilized during the treatment period and while under the direct supervision of a physician (i.e., inpatient status or doctor's visits).

Termination For Failure to Meet Conditions of Employment:

1. An employee who has driving as an essential function of his position, who has lost his license to drive and who has used all his compensatory time and annual leave and who does not have approved leave without pay to cover the remaining period or has not been placed in a non-driving position will be terminated for failure to meet conditions of employment.


Pre-Employment Testing For Drugs and Alcohol:

1. Pre-employment drug and alcohol testing is mandatory for all positions requiring a Commercial Driver's License.
 - a. An applicant who fails the test may not be hired.
2. Post accident testing for drugs and alcohol.
 - a. Post accident drug and alcohol testing is mandatory for all positions requiring a CDL.

POLICY COMMUNICATION:

All employees of the Department of Agriculture will receive a copy of this policy and will sign an acknowledgement that they have read and understand the conditions within. Employees needing clarification should contact AHRS, their supervisor, or their Division Administrator for more information.

DIRECTOR'S POLICY AUTHORIZATION:



Jim R. Barbee, Director

3/28/13
Date

APPROVED BY THE BOARD OF AGRICULTURE ON March 26, 2013.
Effective Date

This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with the state law and the Rules for State Personnel Administration (NRS & NAC 284).

**STATE OF NEVADA
DEPARTMENT OF AGRICULTURE**

DRIVING RECORD CARD

1. Employee Name: _____
2. Hire Date: _____
3. Office Location: _____
4. Agency Division: _____
5. Current Driver's License Number: _____
6. Operator's license or registration ever revoked? _____ Yes _____ No
7. Any motor vehicle accidents in the last 3 years? _____ Yes _____ No
8. Any restrictions on your driver's license? _____ Yes _____ No
9. Any mental or physical disability likely to affect driving? _____ Yes _____ No
10. Give details on any "Yes" answers in Questions 6 through 9.

I certify that all information above is correct. I understand that any false information furnished by me can result in suspension of my Department equipment driving privileges and/or disciplinary action.

I have received a copy of the "Operating a Vehicle on State Business Policy".

Employee Signature

Date